



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

CALVIN J. COBB,  
Plaintiff,

vs.

JONATHAN OZMINT, SCDC Director, et al.,  
Defendants.

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CIVIL ACTION NO. 0:08-3978-HFF-PJG

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ORDER

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This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Plaintiff's motions seeking preliminary injunctions and a default judgment (Docket Entries 133, 157, & 170) should be denied as moot or patently without merit; Defendants' motions for summary judgment (Docket Entries 160 & 164) should be granted; and, to the extent that Plaintiff seeks summary judgment, his motion should be denied (Docket Entry 169). The Magistrate Judge also recommends that the Court dismiss Defendants Smith, Dixin, SCDC Correspondence Review Committee, and Inmate Classification Committee pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 1, 2010, but Plaintiff failed to file any objections to the Report. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that Plaintiff's motions seeking preliminary injunctions and a default judgment (Docket Entries 133, 157, & 170) are **DENIED** as moot and patently without merit; Defendants' motions for summary judgment (Docket Entries 160 & 164) are **GRANTED**; to the extent that Plaintiff seeks summary judgment, his motion is **DENIED** (Docket Entry 169); and Plaintiff's claims against Defendants Smith, Dixin, SCDC Correspondence Review Committee, and Inmate Classification Committee are **DISMISSED** without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

Signed this 27th day of July, 2010, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

**SEE THE NOTICE OF RIGHT TO APPEAL ON THE NEXT PAGE**

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.